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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,948	02/14/2002	John Rhoades	0120-024	6384

42015	7590	02/07/2008
POTOMAC PATENT GROUP PLLC		
P. O. BOX 270		
FREDERICKSBURG, VA 22404		

EXAMINER	
PAN, DANIEL H	

ART UNIT	PAPER NUMBER
2183	

NOTIFICATION DATE	DELIVERY MODE
02/07/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tammy@ppglaw.com

AK

Office Action Summary	Application No.		Applicant(s)	
	10/073,948		RHOADES ET AL.	
	Examiner		Art Unit	
	Daniel Pan		2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9,11-13,16,17,19-22,32,34,35,38,40,41,44,46,47,50,52,53,56,59- 64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08/25/05, 08/24/05, 09/30/02</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-4,6-9,11-13,16,17,19-22,32,34,35,38,40,41,44,46,47,50,52,53,56,59- 64 .

Continuation of Disposition of Claims: Claims withdrawn from consideration are 5,10,14,15,18,23-31,33,36,37,39,42,43,45,48,49,51,54,55,57 and 58.

1. Claims 1-4,6-9,11-13,16,17,19-22,32,34,35,38,40,41 ,44,46,47,50,52,53,56,59-64 remain for examination. Claims 5,10,14-15, 18,23-31,33,36-37, 39, 42, 43, 45, 48, 49, 51, 54, 55,57,58 39,45,51,57 have been canceled.

2.

3. Claims 1-4,6-9,11-13,16,17,19-22,32,34,35,38,40,41 ,44,46,47,50,52,53,56,59-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. (5,463,732) in view of Campbell et al. (5,021,947) .

4. The rejection is maintained and incorporated by reference the last Office action on 07/27/07.

5. The response by applicant filed on 11/23/07 has been fully considered but is not persuasive.

6. In the remarks, applicant argued that :

a) Taylor is single invariant pixel, and does not constitute part of packet;

b) Taylor is application specific and does not teach data packets of unpredictable size as claimed;

- c) skilled in the art would not even comp template distributing data depending on the number of processing elements;
- d) the n pixel values cannot be seen as a suggestion to the need for determining number of PEs based on predictable size;
- e) Campbell is allocating program code, not data, to processors;
- f) Allocation is done on compile time, not dynamically at run time as in applicant's invention;
- g) the feature of the dynamic distribution of incoming data packets of unpredictable size to number of non-predictable processing elements is the inventive contribution of the applicant's invention;
- h) col.8 has no disclosure or suggestion that such packets are distributed according to their size over any number of PEs.

7. As to a), Taylor showed clearly a frame of pixel values was stored in first distribution buffer (see col.6, lines 50-66).

8. As to b) and c), Taylor did not specifically teach the number of PEs was dynamically determined based on the size of the data packet, nor the unpredictable packet size as claimed. However, Campbell disclosed a variable packet size (see col.8, lines 5-18) and a system including the number of PEs was dynamically determined by the length of the packets (see the function of number of PEs with the packet length fig.15). The reason of obviousness was already given in Pages 3, Page 4, Paragraph 4 of the last Office action on 07/27/07. Therefore it will not be reported herein.

9. As to d), the n pixels itself was already unpredictable.

10. As to e), Campbell was used to show the variable packet size (see Paragraph 4, lines 3-5 of the last office action). Taylor already taught the distribution of data (a frame of pixel values was stored in first distribution buffer in col.6, lines 50-66).
11. As to f), no run time can be found in the claim.
12. As to g), see the reasons of obviousness already set forth in Paragraph 4 of Page 3 of the last Office action on 07/27/07.
13. As to h), the feature of "any number of PE" cannot be found in the claim.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21 Century Strategic Plan

*DANIEL H. FRIE
PATENT EXAMINER
GROUP*